

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,

No. C-07-4145 CW (EMC)

Plaintiff,

v.

CALIFORNIA PUBLIC UTILITIES  
COMMISSION, *et al.*,

Defendants.

**ORDER DENYING DEFENDANT'S  
MOTION FOR PROTECTIVE ORDER;  
GRANTING PLAINTIFF'S MOTION  
FOR ADMINISTRATIVE RELIEF; AND  
SETTING BRIEFING SCHEDULE FOR  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND MOTION  
FOR COMPLIANCE WITH COURT  
ORDER**

(Docket Nos. 232, 236)

Currently pending before the Court is Defendant CPUC's motion for a protective order.

Having considered the parties' briefs and accompanying submissions, as well as the oral argument presented by counsel and Plaintiff Donna Hines (proceeding *pro se*), the Court hereby **DENIES** the CPUC's motion.<sup>1</sup>

The CPUC has moved for a protective order so that it will not have to produce the applications of the successful candidates -- in particular, the Statements of Qualifications ("SOQs") and the STD-678 forms for those candidates. But as the Court stated at the hearing on the CPUC's motion, a critical component of any discrimination case will be a comparison between the plaintiff and persons who are not members of the protected class. *Harding Lawson Associates v. Superior*

<sup>1</sup> The Court grants Ms. Hines's request for administrative relief. The CPUC has not been unduly prejudiced by the untimely filing of Ms. Hines's opposition brief.

1 Court, 10 Cal. App. 4th 7 (1992), the main case on which the CPUC relies, is distinguishable.  
2 *Harding* was a wrongful termination case, not a discrimination case as here. Comparisons are not  
3 central in a wrongful termination case. To the extent the CPUC argues that the information at issue  
4 is not relevant because the raters did not cite to the SOQs and STD 678 forms specifically, that  
5 argument is without merit. Just because the raters did not specifically cite those documents does not  
6 mean that the raters did not rely on the documents or at the very least consider them.

7 The Court therefore orders that the SOQs and STD 678 forms for the successful candidates  
8 be produced. However, personal identifying information (other than the candidates' names) shall be  
9 redacted prior to production -- *e.g.*, Social Security numbers, mailing addresses, e-mail addresses,  
10 and telephone numbers. In addition, sensitive information such as criminal history and names of  
11 supervisors shall be redacted. General employment history (*e.g.*, the positions held and the reasons  
12 for leaving) and education history shall *not* be redacted.

13 The documents produced are subject to a protective order. Ms. Hines is to use the  
14 information solely for purposes of this litigation and is not to disseminate the information other than  
15 as reasonably necessary for the singular purpose of litigating this case. Ms. Hines shall not make  
16 any copies of the documents and shall return the documents to the CPUC at the conclusion of this  
17 litigation (including all appeals). Should the documents be filed with the Court for any reason, they  
18 shall be filed under seal.


19 As a final point, the Court briefly addresses the motion for reconsideration and for  
20 compliance with this Court's order, which Ms. Hines recently filed. As the Court stated at the  
21 hearing, it is not inclined to reconsider its earlier ruling, *see* Docket No. 229 (order), particularly  
22 because Ms. Hines has failed to make any showing that she has met the standards for reconsideration  
23 as laid out in Civil Local Rule 7-9(b). Also, nothing in the report to which Ms. Hines refers makes  
24 the criteria used to draft the SOQs relevant. In addition, the Court is not inclined to alter the limits  
25 on discovery as provided for by the Federal Rules of Civil Procedure (*e.g.*, 25 interrogatories)  
26 because Ms. Hines has failed to establish good cause for changing the limits. As for the remaining  
27 issues raised in the motion, the parties are ordered to meet and confer either in person or by  
28 telephone to determine whether they can reach any agreement. If they cannot, then the CPUC shall

1 file and serve an opposition to Ms. Hines's motion by March 3, 2010. Ms. Hines shall then have an  
2 opportunity to file and serve a reply no later than March 10, 2010. Unless the Court subsequently  
3 orders otherwise, there shall be no hearing on this motion.

4 This order disposes of Docket Nos. 232 and 236.

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6 IT IS SO ORDERED.

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8 Dated: February 18, 2010

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11 EDWARD M. CHEN  
12 United States Magistrate Judge  
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